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| EXAMINER | | | | |
| WONG, ALLEN C | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2482 | | | | |
| NOTIFICATION DATE | | DELIVERY MODE | | |
| 09/15/2011 | | ELECTRONIC | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/583,532

Applicant(s)

AMINO, TADASHI

Examiner

Allen Wong

Art Unit

2482

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 August 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(g).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 1-3
Claim(s) withdrawn from consideration: 7 and 8.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Allen Wong/
Primary Examiner, Art Unit 2482

Continuation of 11, does NOT place the application in condition for allowance because: Regarding line 6 on page 4, lines 5-6 on page 5 of Applicant's remarks, Applicant asserts that Feinleib does not disclose "generating a packet including encoded information of a plurality of vertical period and adding serial information indicating the order of transmission of the packet", and any configuration or logic for encoding image signals in units of a plurality of the VBI data. The Examiner respectfully disagrees. Claim 1 is rejected under Kikuchi and Feinleib as a whole, not Feinleib alone. In column 4, lines 18-21 and 30-39, Kikuchi discloses compressing the video signals in units of multiple frames, wherein each frame is comprised of units of blocks, wherein element 870 of figure 18 is a video encoder that encodes data. Thus, Kikuchi discloses an encoder that encodes a video signal in units of a video signal. In column 4, lines 27-29, Kikuchi's element 25 of figure 1 is the real-time transport protocol sender for generating the packet for transport with the encoded information as illustrated in figure 5, wherein the RTP packet and payload that includes encoded information. And in column 13, lines 49-57, Kikuchi discloses the serial number information, from format as illustrated in figure 15C, to indicate the order of the video data packets is added to the packet to the format as illustrated in figure 15B for adding the information needed to distinguish the order of the transmission of the packet. Thus, Kikuchi discloses a transmitter that generates a packet including the encoded information and sends the packet after adding serial number information indicating the order of transmission of the packet. Kikuchi does not disclose video signal corresponding to a plurality of vertical periods. However, in column 4, lines 48-53, Feinleib discloses broadcast video signals, comprising video frames, are encoded by element 80 that encodes the VBI or vertical periods to include the associated broadcast video signals, wherein column 6, lines 18-37, Feinleib also discloses the data packets are encoded to include the video signals corresponding to the VBI data or vertical period into compatible formats for transmitting data. Thus, Feinleib discloses the packet is encoded to include the video signal corresponding to plurality of vertical periods, thus encoding image signals in units of plurality of VBI data or vertical period data. The examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, it would have been obvious to one of ordinary skill in the art to combine the known teachings of Feinleib with Kikuchi, as a whole, for encoding video data in formats that are conducive to efficient, precise video data transmission so as to conveniently compress and transport video data in a robust manner.

Regarding lines 7-12 on page 5 of Applicant's remarks, Applicant asserts that the size of the packet employed by the claimed invention is necessarily larger than that of the VBI-compatible data packet disclosed in Feinleib. The Examiner respectfully disagrees. The claim does not specifically disclose that the size of the packet employed by the claimed invention is necessarily larger than that of the VBI-compatible data packet disclosed in Feinleib. Thus, the size of the packet employed by the claimed invention is not necessarily larger than that of the VBI-compatible data packet disclosed in Feinleib because the claims do not specify how large or small is the size of the packet.

Regarding lines 16-18 on page 5 of Applicant's remarks, Applicant asserts that there exists nothing whatsoever in the disclosure of Feinleib that even recognizes, much less addresses, the issue about suppressing image disturbance caused by a transmission error with a simple circuit structure. The Examiner respectfully disagrees. The claim does not even mention anything about suppressing image disturbance caused by transmission error. Also, Feinleib discloses error detection (e.g., CRC) and forward error correction to check and correct any errors during transmission.

Thus, the rejection of claim 1 is maintained. Claims 2-3 are rejected for at least similar reasons as claim 1.